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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 IN RE: CAPACITORS  
14 ANTITRUST LITIGATION

Master File No. 3:14-cv-03264-JD

15 **DECLARATION OF ANDREW J.**  
16 **NICHOLSON-MEADE IN SUPPORT OF**  
17 **UNITED STATES' ADMINISTRATIVE**  
18 **MOTION TO FILE AMENDED LEM**  
19 **DECLARATION UNDER SEAL**

20 Date: October 29, 2014

21 Time: 9:30 a.m.

22 Judge: Honorable James Donato

23 I, Andrew J. Nicholson-Meade, hereby declare as follows:

24 1. I am a Trial Attorney for the United States Department of Justice, Antitrust  
25 Division ("DOJ"). I am one of the DOJ attorneys assisting the grand jury's investigation of the  
26 capacitors industry. I make this declaration in support of the United States' Administrative  
27 Motion to File Amended Lem Declaration Under Seal.

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1           2. In support of its motion to intervene (document number 240), the United States  
2 filed under seal the Declaration of Jacklin Chou Lem in Support of United States' Motion to  
3 Intervene ("Lem Declaration") on October 22, 2014. This Amended Declaration replaces the  
4 Lem Declaration, which contained an error in Paragraph 4 which the Amended Lem Declaration  
5 explains and corrects.

6       3. The Amended Lem Declaration, like the Lem Declaration, contains highly  
7 sensitive and secret information regarding the grand jury's investigation into possible price  
8 fixing and other anticompetitive conduct in the capacitors industry. The Amended Lem  
9 Declaration discloses information, which, if made public at this time, would reveal the nature  
10 and scope of the grand jury's investigation.

11       4. The contents of the Amended Lem Declaration are within the scope of Federal  
12 Rule of Criminal Procedure 6(e)'s secrecy protection and "any such presumption in favor of  
13 access is outweighed by the compelling government interest in maintaining grand jury secrecy."

<sup>14</sup> *United States v. Index Newspapers LLC*, 766 F.3d 1072, 1086 (9th Cir. 2014).

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
17 knowledge. Signed on October 24, 2014 in San Francisco, California.

/s/ Andrew J. Nicholson Meade  
ANDREW J. NICHOLSON-MEADE  
Trial Attorney  
Antitrust Division  
U.S. Department of Justice